



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 22, 2011

Mr. Robert J. Grindle
Legal Fellow
Office of the Governor
100 West Randolph Street, Suite 16-100
Chicago, Illinois 60601

RE: FOIA Preauthorization – 2011 PAC 15954

Dear Mr. Grindle:

We have received the written notice from the Office of the Governor of its intention, pursuant to section 7(1)(f) of the Freedom of Information Act (FOIA), to deny disclosure of certain information requested by Mr. John O'Connor of the Associated Press. 5 ILCS 140/7(1)(f) (West 2010). Specifically, Mr. O'Connor requested copies of correspondence between former Governor Blagojevich and his staff and multiple outside parties. The Governor's Office seeks to withhold some records under section 7(1)(f) and has provided the Public Access Bureau with copies of these records for review.

Section 7(1)(f) exempts from disclosure "[p]reliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body." This provision "is the equivalent of the 'deliberative process' exemption set forth in section 552(b)(5) of the federal Freedom of Information Act." *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247, 799 N.E.2d 859, 864 (1st Dist. 2003). The section 7(1)(f) exemption is intended to encourage government officials to openly and frankly discuss matters of governmental concern in order to make informed policy decisions. See *N.L.R.B. v. Sears*, 421 U.S. 132 (1975), *Hoffman v. Ill. Dept. of Corrections*, 158 Ill. App. 3d 473 (1st Dist. 1987).

DETERMINATION

After reviewing the records provided to this office, we have concluded that they are records in which opinions are expressed and policies are formulated with regard to possible

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action by the Governor's Office. The records include several draft proposals for policy changes and action on certain projects. Additionally, there is no evidence that these records were publicly cited and identified by the Governor. Based on this analysis, the Governor's Office has met its initial burden under section 7(1)(f) to withhold the records in question.

If you have any questions, please contact me at 312-793-0865. This correspondence will serve to close this matter.

Very truly yours,


SARA GADOLA GALLAGHER
Assistant Attorney General
Public Access Bureau

15954 pre-auth al 7(1)(f) prelim draft gov

cc: Mr. John O'Connor
Associated Press
joconnor@ap.org